

REMARKS

This Application has been reviewed in light of the Office Action mailed June 5, 2007. Claims 1, 3-8, 10-14 and 16-22 are pending in this Application. Claims 1, 3-8, 10-14 and 16-22 were rejected. Claims 1, 8, 14 and 22 have been amended herein. Claims 2, 9 and 15 were previously cancelled without prejudice or disclaimer. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 112

Claim 22 was rejected by the Examiner under 35 U.S.C. §112, second paragraph, as being indefinite and failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants amend Claim 22 to overcome this rejection as suggested by the Examiner and respectfully request full allowance of Claim 22 as amended.

Rejections under 35 U.S.C. § 102

Claims 1, 3-5, 8, 10-12, 14, 16-18, 21 and 22 stand rejected by the Examiner under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 7,146,412 by Paul F. Turnbull (“*Turnbull*”). Applicants respectfully traverse and submit the cited art does not teach all of the elements of the claimed embodiment of the invention.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, “the identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Applicants respectfully submit that *Turnbull* cannot anticipate the rejected Claims, because *Turnbull* does not show all the elements of the present Claims.

Independent Claims 1, 8, and 14 Are Allowable over Turnbull

Independent Claims 1, 8, and 14 as amended recite, among other limitations:

determining whether the one or more devices are compatible to operate with each other by automatically comparing the discovered attributes with a predefined set of valid device attributes, the predefined set of valid device attributes specifying device attributes that are compatible with each other.

Turnbull does not teach determining whether the one or more devices are compatible much less automatically comparing the discovered attributes with a predefined set of valid device attributes specifying device attributes that are compatible with each other. In fact, *Turnbull* does not teach validating a network at all; instead, *Turnbull* provides methods that “relate to upgrading firmware and other device specific software such as device drivers on computing devices” (*Turnbull*, Abstract).

For at least these reasons, Independent Claims 1, 8, and 14 are allowable over *Turnbull*. Because Dependent Claims 3-7, 10-13, and 16-21 depend from allowable Independent Claims, they are likewise allowable. Applicants request the Examiner reconsider these claims and withdraw his rejections.

Independent Claims 22 Is Allowable over Turnbull

Independent Claims 22 recites a method of validating a network, comprising among other limitations:

automatically discovering hardware attributes of one or more of the plurality of devices in the network

Turnbull does not teach discovering hardware attributes of one or more of the plurality of devices in a network. The Examiner, however, argues that *Turnbull* teaches this limitation as “automatically alert when an upgrade is necessary” at Column 2, lines 59-62. (Office Action, page 10).

The cited portion of the reference states:

An alert mechanism notifies that user of an available firmware upgrade and enables the user to determine when and if the upgrade should be automatically installed on the device. (emphasis added)

(*Turnbull*, 2:59-62). In fact, *Turnbull* does not offer any teachings validating a network at all; instead, *Turnbull* provides methods that “relate to upgrading firmware and other device specific software such as device drivers on computing devices” (*Turnbull*, Abstract). Nowhere, then, does *Turnbull* teach discovering **hardware attributes of one or more of the plurality of devices** in a network.

For at least these reasons, Independent Claim 22 is allowable over *Turnbull*. Applicants request the Examiner reconsider Independent Claim 22 and withdraw his rejection.

Rejections under 35 U.S.C. §103

Claims 6, 7, 13, 19 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Turnbull* in view of U.S. Patent No. 7,133,906 issued to Chuck Price et al. (“*Price*”). Because Claims 6, 7, 13, 19, and 20 depend from allowable Independent Claims, Applicants respectfully argue that these rejections are moot and request full allowance of these Claims.

CONCLUSION

Applicants appreciate the Examiner's careful review of the application. Applicants have made an earnest effort to place this case in condition for examination and allowance. For the foregoing reasons, Applicants respectfully request reconsideration of the rejections and full allowance of Claims 1, 3-8, 10-14 and 16-22.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2642.

Respectfully submitted,
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